

IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

GARY R. MILES,)	
)	
Plaintiff,)	CIVIL ACTION NO. 05-65E
)	
vs.)	Honorable Maurice B. Cohill, Jr.
)	
BIG LOTS, INC., BIG LOTS STORES,)	
INC., CONSOLIDATED STORES)	ELECTRONICALLY FILED
INTERNATIONAL CORPORATION, d/b/a)	
BIG LOTS, JOUBERT, SAS (M))	
(SDN, BHD) and TOOL AND SUPPLY OF)	
NEW ENGLAND)	
)	
Defendants.)	

JOINT MOTION FOR AMENDMENT OF CASE MANAGEMENT ORDER

AND NOW, comes the Plaintiff, by and through his attorneys, Segel & Solymosi and Tibor R. Solymosi, Esquire, and Defendants, by and through their attorneys, Cipriani & Werner, P.C. and Judith A. Moses, Esquire, and file this Joint Motion For Amendment of Case Management Order and state the following in support thereof:

1. This civil action involves a strict liability claim by Plaintiff against Defendants for personal injuries arising out of an accident that occurred on or about November 19, 2002, in the City of Erie, Pennsylvania, when Plaintiff alleges that while using a bungee cord sold by Big Lots and allegedly manufactured by Joubert, S.A., said hook broke while securing his boat, causing the cord to snap and strike Plaintiff's right eye.

2. On April 10, 2006, this Honorable Court issued an Amended Case Management Order that, inter alia, established a pretrial schedule by which all discovery (other than expert witnesses) was to be completed on or before August 1, 2006; Plaintiff's expert disclosures were to be served on or before September 11, 2006; Defendants' expert disclosures were to be served on or before October 16, 2006; expert depositions were to be completed on or before November 3, 2006; dispositive motions, if appropriate, were to be filed on or before December 15, 2006; any replies in support of dispositive motions were to be filed 15 days thereafter; a Joint Concise Statement of Material Facts was to be filed on or before February 2, 2007; and, if no dispositive motions are filed, Plaintiff's pretrial narrative statement was to be filed on or before January 16, 2007, and Defendant's pretrial narrative statement was to be filed 21 days after Plaintiff's pretrial narrative statement.

3. The parties have engaged in pretrial discovery in this case through interrogatories and requests for production of documents and depositions of the Plaintiff, but need additional time within which to complete their remaining discovery, by depositions and otherwise, in order to properly prepare their respective cases for trial and since the manufacturer of the product is located in Malaysia, additional time for discovery is needed. Defendants' response to the written discovery directed to the Defendants is in the process of being forwarded to Plaintiff's counsel and Plaintiff's counsel likely will need to depose Defendants' agents who are located in Malaysia and France.

4. There have been two prior requests for an extension of time to complete pretrial discovery, and this civil action has not yet been scheduled for trial.

5. In view of additional discovery required by both parties, Plaintiff and Defendants jointly seek a 120 day extension of time until November 29, 2006, within which to complete

discovery (other than expert witnesses), and the issuance of an Amended Case Management Order revising other dates in the pretrial schedule consistent therewith.

WHEREFORE, Plaintiff and Defendants respectfully request this Honorable Court to extend the time for completion of discovery until November 29, 2006, and to issue an Amended Case Management Order that revises other dates in the pretrial schedule consistent therewith.

Respectfully submitted,

/s/ Judith A. Moses

Judith A. Moses, Esquire
PA49656
Cipriani & Werner, P.C.
650 Washington Road, Suite 700
Pittsburgh, PA 15228
Telephone: (412) 563-2500
Fax: (412) 563-2080
E-mail: jmoses@c-wlaw.com
Counsel for Defendants

**Consented To By Plaintiff's
Counsel on 7/28/06**

/s/ Tibor R. Solymosi

Tibor R. Solymosi, Esquire
PA73809
Segel & Solymosi
818 State Street
Erie, PA 16501
Telephone: (814) 454-1500
Fax: (814) 454-1502
E-mail: ts@ssinjurylaw.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Joint Motion for Amendment of Case Management Order has been served on all counsel of record by first class mail, postage pre-paid, according to the Pennsylvania Rules of Civil Procedure, on the 1st of August, 2006.

Tibor R. Solymosi, Esquire
Segel & Solymosi
818 State Street
Erie, PA 16501

/s/ Judith A. Moses
Judith A. Moses, Esquire
PA49656
Cipriani & Werner, P.C.
650 Washington Road, Suite 700
Pittsburgh, PA 15228
Telephone: (412) 563-2500
Fax: (412) 563-2080
E-mail: jmoses@c-wlaw.com

Counsel for Big Lots, Inc., Big Lots Stores, Inc.,
Consolidated Stores International Corporation, d/b/a
Big Lots, Joubert, SAS (M)(SDN,BHD) and Tool
and Supply of New England, Defendants